

1 Martha G. Bronitsky  
Chapter 13 Standing Trustee  
2 Po Box 5004  
Hayward, CA 94540  
3 (510) 266 - 5580

4 Trustee for Debtor(s)

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

7 In re

8 Mary Tilbury

Chapter 13 Case No. 21-40945-WJL13

10 debtor(s)

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**Trustee's Motion to Dismiss Chapter 13 Case for Unreasonable Delay that is Prejudicial to  
Creditors; Declaration and Notice and Opportunity to Object**

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13 TO DEBTOR(S) AND DEBTOR(S)' ATTORNEY OF RECORD:

14 Martha G. Bronitsky, Chapter 13 Standing Trustee, files this Motion to Dismiss pursuant to 11 U.S.C.  
15 Section 1307(c)(1) upon the debtor(s)' unreasonable delay that is prejudicial to creditors.

16 1. Debtor filed this case on July 19, 2021 and a chapter 13 plan has not been confirmed. Debtor filed a  
17 motion for entry to the Mortgage Modification Mediation Program (MMM) on July 30, 2021. (Doc. #17).  
18 Court entered an order granting Debtor's motion on August 5, 2021 . (Doc. #18). Despite passage of  
19 150 days in MMM, Debtor has not reached a loan modification agreement and has not amended the plan  
20 to change treatment of the claim and more than 14 days have expired since the final report was filed on  
21 December 5, 2021. (Doc. #39).

1 TO AVOID DISMISSAL

2       Within 21 days of this notice, YOU MUST resolve the issue or file an opposition/request for  
3 hearing detailing why the case should not be dismissed stating specific actions you have taken or will  
4 take to resolve the issue.

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6       You should contact your attorney immediately to be advised of your legal options.

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8       If you do not timely take action, YOUR CASE MAY BE DISMISSED WITHOUT  
9 FURTHER NOTICE OR HEARING.

10       PURSUANT TO LOCAL BANKRUPTCY RULE 9014-1(b)(3)(A) NOTICE IS HEREBY GIVEN:

11 Any objection to the requested relief, or a request for hearing on the matter, must be filed and served upon  
12 the initiating party with 21 days of the mailing of notice; any objection or request for hearing must be  
13 accompanied by any declarations or memoranda of law any requesting party wishes to present in support of  
14 its position; if there is no timely objection to the requested relief or a request for hearing, the court may  
15 enter an order granting relief by default.

16       In the event of a timely objection or request for hearing, (either): the initiating party will give at  
17 least seven days written notice of the hearing to the objecting or requesting party, and to any trustee or  
18 committee appointed in the case; or the tentative hearing date, location, and time are "n/a".

19       I declare under penalty of perjury that the foregoing is true and correct.

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22 Date: December 21, 2021

/s/ Martha G. Bronitsky

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Signature of Martha G. Bronitsky  
Chapter 13 Standing Trustee

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have served a copy of the within and foregoing document on the debtor (s), counsel for debtor (s), and if applicable, the creditor, creditor representatives and the registered agent for the creditor by depositing it in the United States mail with first class postage attached thereto.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Mary Tilbury  
4616 Stauffer Place  
Oakland, CA 94619

California Rural Legal Assistance Inc  
1160 N Dutton Ave #105  
Santa Rosa, CA 94501

(Debtor(s))

(Counsel for Debtor)

Date: 12/21/2021

/s/ Eliemary DeGuzman

Eliemary DeGuzman